

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

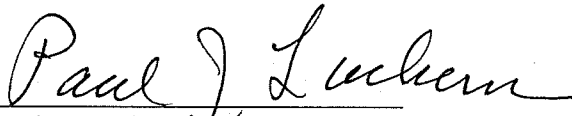
In the Matter of)

CERTAIN ADJUSTABLE KEYBOARD)
SUPPORT SYSTEMS AND)
COMPONENTS THEREOF)

Investigation No. 337-TA-670

Notice To The Parties

The Final Initial and Recommended Determinations (ID) were filed on February 23, 2010. Attached are the title page, conclusions of law and the order, which are not confidential and which form a portion of said determinations. For receiving said ID, see Commission rules 210.6 and 210.7. Counsel for complainant, respondents and the staff received a copy of this notice on February 23, 2010.



Paul J. Luckern
Chief Administrative Law Judge

Issued: February 23, 2010

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)

CERTAIN ADJUSTABLE KEYBOARD)
SUPPORT SYSTEMS AND)
COMPONENTS THEREOF)

Investigation No. 337-TA-670

Final Initial and Recommended Determinations

This is the administrative law judge's Final Initial Determination under Commission rule 210.42. The administrative law judge, after a review of the record developed, finds inter alia that there is jurisdiction and that there is a violation of section 337 of the Tariff Act of 1930, as amended.

This is also the administrative law judge's Recommended Determination on remedy and bonding, pursuant to Commission rules 210.36(a) and 210.42(a)(1)(ii). Should the Commission find a violation, the administrative law judge recommends the issuance of a limited exclusion order barring entry into the United States of infringing adjustable keyboard support systems and components thereof with certification provision and the issuance of a cease and desist order against respondent Waterloo Furniture Components Ltd. He further recommends that any bond be set at 100 percent of the entered value of the infringing products imported, during the Presidential period, should a violation be found.

CONCLUSIONS OF LAW

1. The Commission has in personam jurisdiction and in rem jurisdiction.
2. There has been an importation of accused products into the United States which are the subject of the unfair trade allegations.
3. It has not been established that asserted claims 7 and 34 are not valid under 35 U.S.C. § 102.
4. It has been established that asserted claim 7 is obvious under 35 U.S.C. § 103.
5. It has not been established that asserted claim 34 is not valid.
6. Respondents infringe claim 34 of the '097 patent.
7. Assuming claim 7 is valid, respondents infringe said claim.
8. A domestic industry exists with respect to the '097 patent.
9. Respondents have not established any intervening rights.
10. There has been a violation of Section 337.
11. If a violation is found by the Commission, the record supports issuance of a limited exclusion order barring entry into the United States of infringing adjustable keyboard support systems and components thereof with certification provision, the issuance of a cease and desist order against respondent Waterloo Furniture Components Ltd., and a bond set at 100 percent of the entered value of the infringing products imported during the Presidential period.

ORDER

Based on the foregoing, and the record as a whole, it is the administrative law judge's Final Initial Determination that there is a violation of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of infringing adjustable keyboard support systems and components thereof. It is also the administrative law judge's recommendation, should a violation be found, that a limited exclusion order issue barring entry into the United States of infringing adjustable keyboard support systems and components thereof with certification provision, the issuance of a cease and desist order against respondent Waterloo Furniture Components Ltd., and a bond set at 100 percent of the entered value of the infringing products imported during the Presidential period.

The administrative law judge hereby CERTIFIES to the Commission his Final Initial and Recommended Determinations. The briefs of the parties filed with the Secretary, are not certified, since they are already in the Commission's possession in accordance with Commission rules.

Further it is ORDERED that:

1. In accordance with Commission rule 210.39, all material heretofore marked in camera because of business, financial and marketing data found by the administrative law judge to be cognizable as confidential business information under Commission rule 201.6(a), is to be given in camera treatment continuing after the date this investigation is terminated.

2. Counsel for the parties shall have in the hands of the administrative law judge those portions of the final initial and recommended determinations which contain bracketed confidential business information to be deleted from any public version of said determinations,

ORDER

Based on the foregoing, and the record as a whole, it is the administrative law judge's Final Initial Determination that there is a violation of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of infringing adjustable keyboard support systems and components thereof. It is also the administrative law judge's recommendation, should a violation be found, that a limited exclusion order issue barring entry into the United States of infringing adjustable keyboard support systems and components thereof with certification provision, the issuance of a cease and desist order against respondent Waterloo Furniture Components Ltd., and a bond set at 100 percent of the entered value of the infringing products imported during the Presidential period.

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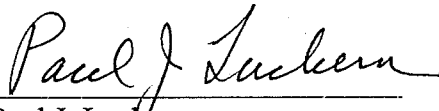
Further it is ORDERED that:

1. In accordance with Commission rule 210.39, all material heretofore marked in camera because of business, financial and marketing data found by the administrative law judge to be cognizable as confidential business information under Commission rule 201.6(a), is to be given in camera treatment continuing after the date this investigation is terminated.

2. Counsel for the parties shall have in the hands of the administrative law judge those portions of the final initial and recommended determinations which contain bracketed confidential business information to be deleted from any public version of said determinations, no later than March 1, 2010. Any such bracketed version shall not be served via facsimile on the

administrative law judge. If no such bracketed version is received from a party, it will mean that the party has no objection to removing the confidential status, in its entirety, from these initial and recommended determinations.

3. The initial determination portion of the Final Initial and Recommended Determinations, issued pursuant to Commission rules 210.42(a) and 210.42-46, shall become the determination of the Commission, unless the Commission, within that period, shall have ordered its review of certain issues therein or by order has changed the effective date of the initial determination portion. The recommended determination portion, issued pursuant to Commission rule 210.42(a)(1)(ii), will be considered by the Commission in reaching a determination on remedy pursuant to Commission rule 210.50(a).


Paul J. Luckern
Chief Administrative Law Judge

Issued: February 23, 2010